

“a unifying feature”<sup>26</sup> of the counties that surround it.<sup>27</sup> UNC simply chose to use the nomenclature of the “Albemarle Sound Region” because it is an appropriate and recognized local shorthand for the northeastern section of North Carolina which includes the counties surrounding the Albemarle Sound.<sup>28</sup> Hampton Roads attempts to refocus the analysis away from the real issues and public interest considerations and to a tangential quibble of semantics over the proper nomenclature for this region of North Carolina around the Albemarle Sound. UNC’s Petition does not, in any way, seek to redesignate WUND’s community of license to “The Albemarle Sound Region.” UNC’s observation that the region is “one single community” is relevant and cogent to the consideration of whether the proposal results in a preferred arrangement of allotments.

Edenton and Columbia, and Chowan and Tyrrell Counties, are all rural in nature,<sup>29</sup> and all of them are located in the northeastern part of North Carolina, away and at a great distance from any urban center.<sup>30</sup> This geographical unity alone means that there is a community of interests here—North Carolina state government, politics and public policy, local transportation, local economy, local farming, local infrastructure, local natural disasters such as hurricanes, and other

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<sup>26</sup> Comments of Hampton Roads, at 7.

<sup>27</sup> *But see* <[www.coastparadise.com/north-carolina/northern-coast/](http://www.coastparadise.com/north-carolina/northern-coast/)> (“The Sound is the heart that provides the main source of vitality for the surrounding counties.”).

<sup>28</sup> Tyrrell County (where Columbia is located) was originally formed from Bertie, Chowan (where Edenton is located), Currituck, and Pasquotank Counties, the latter three of which are located north of the Albemarle Sound, suggesting that the Sound has, for a long time, been a unifying feature in the region. *See* <[www.visittyrrellcounty.com/AboutTC/History.htm](http://www.visittyrrellcounty.com/AboutTC/History.htm)>.

<sup>29</sup> *See* UNC’s Comments, at 25, 30.

<sup>30</sup> For both Columbia and Edenton, the nearest cities of 50,000 or more and 200,000 or more are located in Virginia. *Compare* <[www.city-data.com/city/Columbia-North-Carolina.html](http://www.city-data.com/city/Columbia-North-Carolina.html)> *with* <[www.city-data.com/city/Edenton-North-Carolina.html](http://www.city-data.com/city/Edenton-North-Carolina.html)>.

purely local issues. All of these issues affect all citizens in the greater Albemarle Sound Region similarly, resulting in community of interest throughout this region.<sup>31</sup> The supportive filings in this proceeding by the elected local governing bodies all make that point.

Contrary to the arguments of Virginia-based Hampton Roads, the Albemarle Sound Region is a cohesive, unitary region, which, given the rural nature of the area, may be considered as part of a single, larger community for allotment purposes. For example, a web portal for the “Albemarle Region” of North Carolina lists, *inter alia*, Tyrrell and Chowan Counties and Columbia and Edenton as locations within the “Albemarle Region.”<sup>32</sup> It is clear from this website that various communities and business entities throughout the Albemarle Sound Region, including entities located in the counties of Tyrrell and Chowan and in both Columbia and Edenton, consider themselves to be part of the same region for economic and tourism purposes. And links to both of the towns and counties at issue here are included on the homepage of the website—further evidence that the towns and

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<sup>31</sup> While Edenton and Columbia are in different Congressional districts, as Hampton Roads points out (*see* Comments of Hampton Roads, at 7 & n.22), Tyrrell County is part of the same Congressional district as three of the Nine Counties—Camden, Currituck, and Dare—which is further evidence not only that the Nine County Area and counties south of the Albemarle Sound are part of a larger, regional community with common interests but also that the allegedly divisive nature of the Albemarle Sound is not relevant to this case.

<sup>32</sup> The web portal is located at <<http://www.albemarle-nc.com>>. The portal was established and is maintained by an organization that describes itself as “a ‘co-op’ in a sense. It is a uniquely structured private network through which the coastal communities make a joint online presentation of their attractions, points-of-interest, events, and history. It is unique because the communities and sponsors have come together to respond to the numerous requests for travel and tourism information . . . allowing the cyber-visitor to contact dozens of chambers of commerce, visitors bureaus, attractions, and private sponsors with a single request for information.” *See* <<http://www.icw-net.com/abouticw.htm>>.

counties at issue in this proceeding define themselves as being “component parts”<sup>33</sup> of the larger Albemarle Sound Region.<sup>34</sup>

Additionally, the 16 counties surrounding the Albemarle Sound, including all Nine Counties and Tyrrell County, comprise North Carolina’s Northeast Partnership, an organization dedicated to the Albemarle Sound Region’s tourist trade and to the further industrial development of the entire rural region. No southeastern Virginia town, city, or county to which Hampton Roads claims “the northeastern portions of North Carolina above the Albemarle Sound [are] becoming a ‘suburban annex’”<sup>35</sup> are mentioned on the Albemarle-NC website or are members of the Northeast Partnership.

And the unifying rural nature of the entire Albemarle Sound area is in evidence at the annual Albemarle Potato Festival, which has been described as a “festival . . . unit[ing] the counties of Beaufort, Camden, Currituck, *Chowan*, Gates, Hyde, Pasquotank, Perquimans, *Tyrrell*, and Washington in a weekend of planned activities celebrating the farming community and its accomplishments and achievements.”<sup>36</sup>

Finally, the State of North Carolina itself recognizes the region as a unitary region, as evidenced by treatment of six of the Nine Counties along with Tyrrell County (and other counties

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<sup>33</sup> Petition, at 4.

<sup>34</sup> See, e.g., Letter of J.D. Brickhouse, County Administrator (*see* Comments, Exhibit 6).

<sup>35</sup> Comments of Hampton Roads, at 7-8 n.23.

<sup>36</sup> “Enjoy the ‘Potato Festival’ in Elizabeth City,” *Heritage NewsWatch Newsletter*, May-June 2002, at 1, available at <[www.ncnortheast.com](http://www.ncnortheast.com)> (emphases added). And the Potato Festival is no minor affair; to the contrary it has been covered by National Geographic Magazine, *see* <[www.nationalgeographic.com/traveler/calendar/events/eastern\\_us/20020525\\_1234.html](http://www.nationalgeographic.com/traveler/calendar/events/eastern_us/20020525_1234.html)>.

surrounding the Albemarle Sound) as a *single* region for purposes of transportation improvement projects.<sup>37</sup>

These unifying features and interests of the Albemarle Sound Region, combined with the comprehensive Grade B coverage of WUND throughout the region, reinforce the inequity in the denial to some 10,000 households in the area of WUND programming by satellite. These unifying characteristics of the region and its population support a finding, for purposes of application of Section 307(b) allotment priorities, that the reallocation will serve the same basic community as the current allotment and that the redesignation of WUND's community of license from Columbia to Edenton will not result in any loss to any sector of that community.<sup>38</sup> Moreover, the instant case does not involve an "instance[] in which a licensee may seek to remove the sole local transmission service from a distant suburb in order to reallocate that channel to a neighboring Urbanized Area," nor does it involve a net loss or gain of television transmission service in the Albemarle Sound Region—the primary concerns articulated by the Commission in the *Los Angeles-Norwalk* case.

Nevertheless, Hampton Roads goes to great lengths to describe the regional "community" on its own terms:

Going further, if the Commission were to find a large regional "community" encompassing Edenton, that community would look to the north—to the Tidewater area which is served by WHRO-TV, not

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<sup>37</sup> See Speech of Lyndo Tippet, Secretary of the North Carolina Department of Transportation, Southern Albemarle Association Annual Meeting, Oct. 18, 2001, available at <<http://www.ncdot.org/public/speeches/southernalbemarleassoc10-01.html>>.

<sup>38</sup> Cf. *Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Los Angeles and Norwalk, California)*, Report and Order, 6 FCC Rcd 5317 (1991) ("*Los Angeles-Norwalk*") (granting change in community from Norwalk, California, to Los Angeles, California, with no express waiver of presumption against removal of a community's sole transmission service, based on a finding that no meaningful choice could be made between the two communities).

to the south, across the expanse of Albemarle Bay. During a period in which North Carolina taxes remain significantly lower than Virginia taxes, and the cost of living is less, there is a substantial movement of Virginia citizens to live and retire in areas such as Edenton, which are just below the Virginia/North Carolina border. These people continue to shop in Virginia, and many continue to work in Virginia. In essence, the northeastern part of North Carolina above the Albemarle Sound is becoming a suburban annex to the Tidewater market, rather than gravitating to the areas (including Columbia) south of the Albemarle Sound.<sup>39</sup>

If these unsupported statements were true—and they are not—they would actually favor grant of UNC’s Petition: the northeastern part of North Carolina and the southeastern corner of Virginia comprise a community that is already served by WUND’s over-the-air Grade B signal and cable carriage, and the proposed change in community of license would allow the harmonization, within this regional community, of WUND’s signal via satellite carriage with its current cable carriage and over-the-air signal pattern to provide diverse public affairs programming addressing important North Carolina issues that is not available on WHRO-TV.

Moreover, UNC’s Petition does not, as Hampton Roads states, “argue[] that removal of the WUND-TV allotment is justified because Columbia is inadequate in size to serve as the station’s community.”<sup>40</sup> Nor has UNC ever characterized Columbia, as Hampton Roads wrongfully states, as a “ghost town.”<sup>41</sup> UNC’s Petition and Comments only note that Edenton is growing and Columbia is getting smaller, and that, as a result, allotment priority five (and Section 307(b)) is served by redesignating Edenton as WUND’s community of license. The facts that Columbia is now

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<sup>39</sup> Comments of Hampton Roads, at 7-8 n.23.

<sup>40</sup> Comments of Hampton Roads, at 8.

<sup>41</sup> Comments of Hampton Roads, at 8.

25% smaller than it was when Channel \*2 was allotted to it 40 years ago<sup>42</sup> and that Edenton continues to grow<sup>43</sup> are not factors in UNC's request for change in community of license, but they do provide a basis for Commission analysis as to whether the proposed reallocation would better serve the Commission's allotment priorities. And, in comparing the population growth of Tyrrell and Chowan Counties,<sup>44</sup> Hampton Roads agrees with UNC that in this case it is logical to take into account a region that goes beyond the incorporated townships of Edenton and Columbia in the "community" calculus.<sup>45</sup>

Finally, in its Comments, Hampton Roads states:

UNC petitioned for the channel to be allotted to Columbia because that community would serve as "an important link in [the then-proposed] state-wide educational television network." The Commission noted when it granted UNC's request that the placement of the channel in Columbia would "meet a real need as a source of educational programming for both schools and the general public" in that community. Similarly, the Commission noted with approval that granting the requested allotment to Columbia would make possible the community's first and only local television station.<sup>46</sup>

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<sup>42</sup> Compare RM-437, at ¶ 3 (noting Columbia's 1960 population of 1,099) with Petition, at 6 (noting Columbia's population of 819).

<sup>43</sup> See Petition, at 6-7.

<sup>44</sup> Even if both counties grew at the same rate over the past 10 years, "Tyrrell County is today . . . one of the most remote and sparsely populated areas of the state." *Tyrrell County History*, available at <<http://www.visittyrrellcounty.com/AboutTC/History.htm>>.

<sup>45</sup> See Comments of Hampton Roads, at 8.

<sup>46</sup> Comments of Hampton Roads, at 2 (footnotes omitted) (alteration in original) (quoting *Amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Columbia, North Carolina)*, Docket No. 15227, RM-437, 29 Fed. Reg. 4721 (Apr. 2, 1964) ("RM-437")).

By carefully omitting to quote an important and relevant portion of that 1964 Commission's allotment decision, however, Hampton Roads omitted a key element of the original channel allotment rationale:

Petitioner's proposed Channel \*2 would serve this community *and the surrounding area* as an important link in a proposed state-wide educational television network.<sup>47</sup>

As discussed in UNC's Comments, to this day, WUND continues to serve, and will continue to serve, as an important link in the UNC television network for Columbia and the surrounding area. The proposed change in community of license to Edenton, North Carolina, would further WUND's mission as an important link to the entire northeastern portion of North Carolina because it would allow DBS subscribers to receive UNC's unique, valuable, and diverse state and local focused noncommercial programming.

### **Conclusion**

As UNC has shown in its Petition, Comments, and Reply Comments, the public interest benefits of reallocation of WUND's community of license from Columbia to Edenton are not "speculative." They are very real and meaningful for the people who live and work in rural northeastern North Carolina. The redesignation of WUND's community of license to Edenton will also result in a preferential arrangement of allotments.

The public interest question is: Does the fact that grant of the Petition would enable thousands of satellite customers in the Nine County Area of northeastern North Carolina to receive by satellite their state funded and public supported noncommercial television broadcast network

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<sup>47</sup> RM-437, at ¶ 3 (emphasis added).

suffice, in these circumstances, to overcome the purely “theoretical” loss of a sole transmission service? The answer is “yes” because:

- ▶ Grant of the Petition will allow, at present, approximately 10,000 households (and the number grows each day) in northeastern North Carolina who are satellite subscribers and North Carolina taxpayers to receive UNC-TV’s state-funded noncommercial television programming otherwise unavailable by satellite. This programming, which has been in part, paid for by tax dollars of these North Carolina citizens, includes North Carolina-specific and region-specific programming such as statewide political debates and news, public affairs, and informational and educational television programming.
- ▶ This is a rural area—many homes are beyond the reach of cable—and it is unfair to deprive these citizens of access to *their* UNC-TV programming by satellite.
- ▶ WUND operates as a satellite station rebroadcasting UNC-TV’s statewide noncommercial educational network. As a result, WUND has no studios or local program origination facilities in Columbia or Tyrrell County and, accordingly, the proposed redesignation of WUND’s community of license will have no effect on WUND’s current operations and will result in no loss of service—none whatsoever—or program origination facilities in Columbia or Tyrrell County. Residents in Columbia and Tyrrell County will continue to have over-the-air access to UNC-TV by WUND as well as access to UNC-TV via direct broadcast satellite from UNC-TV’s other *two* full-power satellite stations licensed to communities in the Greenville DMA.
- ▶ The local governing bodies of Columbia and Tyrrell County recognize that the Petition will not result in any “real world” loss of service or facilities and have concluded that because (in their words) it would “further regional efforts at economic development and make our region an even more attractive area in which to live and work” local citizens will “substantially benefit” by Commission grant of the Petition.
- ▶ Similarly, more than 1,000 citizens in WUND’s service area have submitted letters in support of the Petition. These letters document the need for and strong public interest in the delivery of UNC-TV’s programming via satellite in the Nine County Area.

These facts demonstrate that the public interest benefits of the Petition are hardly “speculative,” but rather are very real and compelling and, to UNC’s knowledge, unique. They are more than sufficient



to overcome the presumption against loss of theoretical first transmission service in a reallocation proceeding.

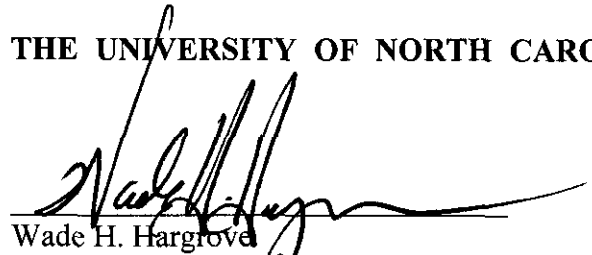
Moreover, the Petition will also result in a preferential arrangements of allotments under the Commission's long-standing allotment policies because:

- ▶ Both the Norfolk DMA and the Greenville DMA have ample transmission services; in fact, the Greenville DMA currently has more transmission services than the Norfolk DMA, the substantially larger market.
- ▶ Reallocation to Edenton will better promote the Commission's 25% benchmark for noncommercial television allotments in each market. At present, the Norfolk DMA—again, the substantially larger market—has only one noncommercial television allotment, while the Greenville DMA now has three. The reallocation of WUND to Edenton would leave each DMA with two noncommercial television allotments.
- ▶ Reallocation to Edenton will promote the more widespread geographic distribution of allotments, particularly noncommercial television allotments.
- ▶ Grant of the Petition will reallocate WUND's community of license from one rural community in northeastern North Carolina (population 819) to another, larger, rural community in northeastern North Carolina (population 5,394). The reallocation will provide first transmission service to Edenton, thereby serving allotment priority two. Moreover, the assignment of transmission service to a community with a greater population will serve allotment priority five.

For the foregoing reasons and for the reasons stated in UNC's Petition and Comments, UNC respectfully requests that the Commission (1) amend the Table of NTSC Television Allotments, Section 73.606(b) of the Commission's Rules, by changing the community of license of Channel 2, Columbia, North Carolina, to Edenton, North Carolina; and (2) amend the DTV Table of Allotments (47 C.F.R. § 73.622(b)) by changing the community of license of Channel 20, Columbia, North Carolina, to Edenton, North Carolina.

Respectfully submitted,

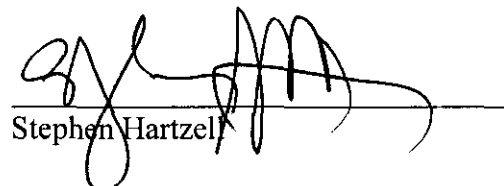
**THE UNIVERSITY OF NORTH CAROLINA**



Wade H. Hargrove



Marcus W. Trathen



Stephen Hartzel

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Its Attorneys

October 12, 2004

## Certificate of Service

The undersigned, of the law firm of Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., hereby certifies that s/he has caused a copy of the foregoing **Reply Comments** to be placed in the U.S. Mail, first-class postage prepaid, addressed as follows:

Chairman Michael K. Powell<sup>†</sup>  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Commissioner Kathleen Q. Abernathy<sup>†</sup>  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Commissioner Michael J. Copps<sup>†</sup>  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Commissioner Kevin J. Martin<sup>†</sup>  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Commissioner Jonathan S. Adelstein<sup>†</sup>  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Barbara Kreisman, Chief  
Video Division, Media Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

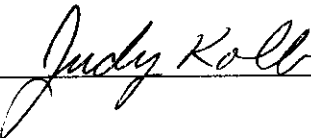
Todd Gray  
Margaret Miller  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Ave., N.W.  
Suite 800  
Washington, DC 20036

J.D. Brickhouse\*  
Tyrrell County Board of Commissioners  
Post Office Box 449  
Columbia, NC 27925

Luther C. Copeland\*  
County Manager  
Chowan County  
PO Box 1030  
Edenton, NC 27932

Mr. Stanley T. Holland, Jr.\*  
1113 W. Sound Shore Drive  
Edenton, NC 27932

This the 12<sup>th</sup> day of October, 2004.



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<sup>†</sup> Via hand-delivery

\* Excluding Annexes 1-A through 3-A, which UNC will provide upon request.

## **Exhibit 7**

[UNC-TV political programming]



HOME

What's On

Local Programs

Educational Services

Watch &amp; Listen Webcast

Support UNC-TV

Contact

ELECTION 2004

## TV Coverage

Get unique, in-depth analysis and perspective from UNC-TV & PBS's news and public affairs programming. From nightly news to documentaries to interviews you won't find elsewhere, you can count on UNC-TV & PBS to keep you informed during the election year and beyond. Click on the program titles on the right to learn more.

### UNC-TV Produced Programs

#### US Senate Debate

Senate hopefuls Erskine Bowles (D) and Richard Burr (R) appear in their only televised debates, moderated by NPR's Carl Kasell.

#### US Senate Debate airs on UNC-TV:

September 27 at 7 pm  
September 27 at 10 pm  
September 30 at 8 pm  
October 3 at 6 pm

#### US Senate Debate airs on UNC-NC:

October 3 at 5 pm  
October 3 at 8 pm  
October 9 at 6 pm  
October 10 at 6 pm  
October 24 at 5 pm

#### Candidates' Speak

Candidates from all of North Carolina's state races, including US Senate, Congress, Governor, Council of State and statewide judicial races, talk about what they feel are the top issues this election year.

#### Candidates' Speak airs on UNC-TV:

October 31 at 6 pm

#### Candidates' Speak airs on UNC-NC:

October 23 at 6 pm  
October 23 at 9 pm  
October 24 at 10 pm  
October 31 at 7 pm

#### North Carolina's Choice: The Governor

This program provides an intimate profile of Michael Easley and Patrick Ballantine, the two North Carolina gubernatorial candidates.

**North Carolina's Choice: The Governor airs on UNC-TV:**

### PBS Produced Programs

#### Debates 2004: Presidential Debate

Thursday, September 30 at 9 PM (LIVE)  
Friday, October 1 at 10 PM

The first general election debate between presidential candidates President George W. Bush and Sen. John Kerry is a 90-minute debate broadcast live from the University of Miami in Coral Gables, Florida. The debate will be moderated by Jim Lehrer, anchor and executive editor of THE NEWSHOUR WITH JIM LEHRER, and the NEWSHOUR team of correspondents will provide post-debate commentary and coverage.

#### Debates 2004: Vice Presidential Debate

Tuesday, October 6 at 9 PM (LIVE)  
Friday, October 8 at 11 PM

The only debate between Vice Presidential candidates Dick Cheney (R) and John Edwards (D) will be moderated by Washington Week's Gwen Ifill.

#### Debates 2004: Presidential Debate

Friday, October 8 at 9 PM (LIVE)  
Saturday, October 9 at 10 PM

The second Presidential debate between John Kerry (D) and George W. Bush (R) will be moderated by Charles Gibson of ABC.

#### Debates 2004: Presidential Debate

Wednesday, October 13 at 9 PM (LIVE)  
Friday, October 15 at 10 PM

The third, and last, Presidential debate between John Kerry (D) and George W. Bush (R) will be moderated by Bob Schieffer of CBS.

#### Flashpoints USA

#### FRONTLINE

#### FRONTLINE/World

#### NewsHour with Jim Lehrer

#### NOW with Bill Moyers

#### P.O.V.

October 19 at 8 pm  
October 22 at 10 pm  
October 24 at 6 pm  
October 31 at 1 pm

**Religion & Ethics NewsWeekly**  
**Tavis Smiley**  
**Tucker Carlson:Unfiltered**  
**Wall Street Week with FORTUNE**  
**Washington Week**  
**Wide Angle**

**North Carolina's Choice: The Governor airs on UNC-NC:**

October 23 at 12 pm  
October 23 at 6 pm  
October 23 at 8 pm  
October 23 at 11 pm  
October 24 at 7:30 pm  
October 30 at 5 pm  
October 30 at 8 pm  
October 30 at 11 pm  
October 31 at 12 pm  
October 31 at 9 pm

**North Carolina's Choice: US Senator**

This program provides an intimate profile of Richard Burr and Erskine Bowles, the two U.S. Senatorial candidates from North Carolina.

**North Carolina's Choice: US Senator airs on UNC-TV:**

October 19 at 8:30 pm  
October 22 at 10:30 pm  
October 24 at 6:30 pm  
October 31 at 1:30 pm

**North Carolina's Choice: US Senator airs on UNC-NC:**

October 23 at 12:30 pm  
October 23 at 5:30 pm  
October 23 at 8:30 pm  
October 23 at 11:30 pm  
October 24 at 7 pm  
October 30 at 5:30 pm  
October 30 at 8:30 pm  
October 30 at 11:30 pm  
October 31 at 12:30 pm  
October 31 at 9:30 pm

**Election 2004: The Candidates**

Candidates running for Council of State positions—including lieutenant governor, state auditor, attorney general, insurance commissioner, agriculture commissioner, state treasurer, labor commissioner, secretary of state, and state superintendent—gather for joint interviews to talk about the issues and why each should be elected.

**The Candidates airs on UNC-TV:**

October 10 at 6 pm  
October 25 at 9 pm

**The Candidates airs on UNC-NC:**

October 10 at 8 pm  
October 10 at 10 pm  
October 17 at 12 pm  
October 17 at 6 pm  
October 24 at 8 pm  
October 31 at 5 pm

**Election 2004: The US Senate Race**

U.S. Senate Race lets both of the candidates explain the top issues they are focusing on in their bid for the US Senate.

**Election 2004: The US Senate Race airs on UNC-TV**

October 3 at 7 pm  
October 24 at 7 pm  
October 28 at 10 pm

**Election 2004: The US Senate Race airs on UNC-NC**

October 3 at 6 pm  
October 3 at 9 pm  
October 9 at 7 pm  
October 10 at 7 pm  
October 24 at 6 pm  
October 30 at 12 pm  
October 31 at 10 pm

**Election Night 2004**

On election night, **North Carolina Now** will provide a night of election programming starting with **North Carolina Now** at 7:30 pm followed by hourly updates leading to an hour-long special that will provide up-to-date election reporting as well as analysis on the results.

**Election Night 2004 airs on UNC-TV:**

Nov. 2 at 9 pm

**Biographical Conversations With..****Black Issues Forum****Carolina Business Review****Focus On...****Legislative Week in Review****North Carolina Now**

**Interviews on NC Now in Sept. & Oct.:**

**9/23: Lt. Governor**  
**9/30: State Auditor**  
**10/4: Secretary of State**  
**10/18: Insurance Commissioner**  
**10/19: Labor Commissioner**  
**10/20: State Auditor**  
**10/21: Agriculture Commissioner**  
**10/22: Secretary of State**

**10/25: State Treasurer**  
**10/26: Attorney General**  
**10/27: Superintendent of Public**  
**Instruction**  
**10/28: Lt. Governor**

**\*Date/Times Subject To Change**

**North Carolina People**

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**Exhibit 8**  
[Town of Columbia Resolution]

# TOWN OF COLUMBIA

103 Main Street  
P. O. Box 361  
Columbia, North Carolina  
27925

Phone 252-796-2781  
Fax 252-796-0082

WHEREAS UNC-TV, WUND is the provider of public service television in the northeast portion of North Carolina; and

WHEREAS WUND serves Bertie, Martin, Washington, Tyrrell, Hyde, Northampton, Gates, Chowan, Perquimans, Camden, Currituck, Dare and Hertford counties by transmissions from antennae located on the Columbia Tower; and

WHEREAS WUND has maintained the present and prior towers at or near the current site near the Town of Columbia for a period of approximately 45 years which towers have all be known as "Columbia Tower"; and

WHEREAS a large portion of northeast North Carolina has been classified as lying within the Norfolk Designated Market Area which means that satellite television service providers are not required to by Federal Communications Commission regulations to transmit WUND programs to it's customers which effectively disenfranchises Northampton, Hertford, Gates, Chowan, Perquimans, Pasquotank, Camden, Currituck and Dare Counties; and

WHEREAS WUND produces many programs of great interest that focus on North Carolina issues and places which programs are sometimes vital to the health and well-being of viewers, and sometimes vital to the socio-economic and political interests of North Carolinians; and

WHEREAS a simple change in the site of licensing for the Columbia Tower would shift the afore-named disenfranchised counties into a market area in which satellite television service providers would be required to include WUND programs in it's services; and

WHEREAS the Mayor and Board of Aldermen of the Town of Columbia know that no Town prospers when its leaders disregard the welfare and needs of the larger community surrounding and outside the Town's boundaries; and

WHEREAS the estimated ten thousand northeastern North Carolina viewers who would receive WUND after renaming Columbia Tower will substantially benefit from the excellent programs broadcast by WUND for adults and children alike;

NOW, THEREFORE, BE IT RESOLVED by the Town of Columbia that the tower henceforth known for more than four decades as "Columbia Tower" should become named the "Edenton-Columbia Tower" for the betterment of all the citizens of North Carolina.

FURTHERMORE, BE IT RESOLVED that the original of the Resolution shall be signed by the Mayor, attested by the Town Clerk, and be mailed to the Federal Communications Commission and UNC-TV.

This the 5<sup>th</sup> day of October, 2004  
Town of Columbia

By: \_\_\_\_\_

Mayor

Attest: \_\_\_\_\_

Town Clerk

Town Seal

## **Exhibit 9**

[letter from County Manager of Chowan County]

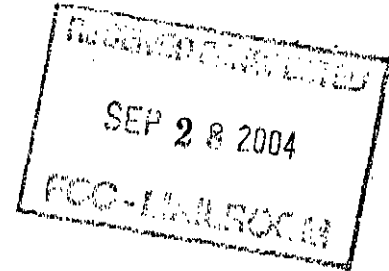


## CHOWAN COUNTY, NORTH CAROLINA

EDENTON, NORTH CAROLINA 27932

DOCKET FILE COPY DUPLICATE

September 16, 2004



Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

04-289

Dear Ms. Dortch:

I am writing related to the Petition filed by UNC-TV, the public television network serving North Carolina, to change WUND-TV/DT's community of license from Columbia, North Carolina, to Edenton, North Carolina.

As the county manager of Chowan County, I support this Petition, and I urge the Federal Communications Commission to grant UNC-TV's request. I believe it is important that the FCC understand that Columbia will not suffer as a result of this change; viewers of WUND will continue to receive WUND over the air and via cable, and UNC-TV's programming will continue to be available to satellite subscribers. If this change is not approved, then thousands of satellite subscribers in eight northeast North Carolina counties—Hertford, Gates, Chowan, Perquimans, Pasquotank, Camden, Currituck, and Dare—will not have access to all those programs UNC-TV produces just for North Carolinians.

UNC-TV not only broadcasts excellent public television programs from PBS, but also, and more importantly, it produces and broadcasts hundreds of hours of programs intended for North Carolinians and those in surrounding states interested in our state's activities and issues. These programs include a nightly information program, *North Carolina Now*; a weekly program on activities at the North Carolina General Assembly, *Legislative Week in Review*; a weekly program on activities, events, and places to go in North Carolina titled *North Carolina Weekend*; a weekly interview program with prominent North Carolina citizens titled *North Carolina People*; and an extensive, ongoing schedule of documentaries and specials on North Carolina cultural activities and events.

Even with a change in the city of license for WUND, viewers served by this station will continue to be served. And, if the city of license is not changed, thousands of North Carolina citizens in the northeastern part of our state who receive their television service via satellite will remain unable to receive UNC-TV via the local-to-local service made available by their satellite provider. Instead, they will continue to receive their public television from a Virginia station while paying, through tax dollars and personal support, for the important and unique programming and services of UNC-TV. It seems to me to be unacceptable that these viewers who desire information and programs about North Carolina cannot receive them via satellite. If the FCC grants the UNC-TV request to change the city of license for WUND-TV/DT from Columbia to Edenton, then the people in these counties will be able to receive the service of UNC-TV via satellite.

I believe that this change will have an extremely positive impact on those viewers who want to receive UNC-TV by satellite. The public service benefit to the people residing in the counties mentioned would be

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tremendous. At the same time, the Columbia area will suffer no loss from this change. I strongly support UNC-TV's Petition.

Sincerely,

A handwritten signature in dark ink, appearing to read "Luther C. Copeland", written in a cursive style.

Luther C. Copeland  
County Manager

cc: County Commissioners

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.606(b),	)	MB Docket No. 04-289
Table of Allotments,	)	RM-10802
Television Broadcast Stations, and	)	
Section 73.622(b), Table of Allotments	)	
Digital Television Broadcast Stations	)	
(Columbia and Edenton, North Carolina)	)	

To: Chief, Video Division  
Media Bureau

**REPLY COMMENTS OF  
THE UNIVERSITY OF NORTH CAROLINA**

**ANNEXES**

Wade H. Hargrove  
Marcus W. Trathen  
Stephen Hartzell

BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.  
Wachovia Capitol Center, Suite 1600  
150 Fayetteville Street Mall (27601)  
Post Office Box 1800  
Raleigh, North Carolina 27602  
Telephone: (919) 839-0300  
Facsimile: (919) 839-0304

*Counsel to The University of North Carolina*

October 12, 2004

**Annex 1-A**

**Support Letters from  
North Carolina Residents in the Norfolk DMA**

September 2004

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

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I am writing related to the Petition filed by UNC-TV, the public television network serving North Carolina, to change WUND-TV/DT's community of license from Columbia, North Carolina, to Edenton, North Carolina.

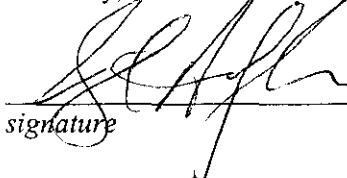
As a viewer of and donor to UNC-TV through WUND, I support this Petition, and I urge the Federal Communications Commission to grant UNC-TV's request. I believe it is important that the FCC understand that those of us in the Norfolk DMA who live in North Carolina and who receive or want to receive television via satellite will benefit tremendously from this change. If this change is not approved, then thousands of satellite subscribers in eight northeast North Carolina counties—Hertford, Gates, Chowan, Perquimans, Pasquotank, Camden, Currituck, and Dare—will not have access to all those programs UNC-TV produces just for North Carolinians.

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Unfortunately, thousands of North Carolina citizens in the northeastern part of our state who receive their television service on satellite are unable to receive UNC-TV via the local-to-local service made available by their satellite provider. Instead, they will continue to receive their public television from a Virginia station while paying, through tax dollars and personal support, for the important and unique programming and services of UNC-TV. It seems to me to be unacceptable that these viewers who desire information and programs about North Carolina cannot receive them via satellite. If the FCC grants the UNC-TV request to change the city of license for WUND-TV/DT from Columbia to Edenton, then the people in these counties will be able to receive the service of UNC-TV via satellite.

I believe that this change will have an extremely positive impact on those viewers who want to receive UNC-TV by satellite. The public service benefit to the people residing in the counties mentioned would be tremendous. At the same time, the Columbia area will suffer no loss from this change. I strongly support UNC-TV's Petition.

Sincerely,

  
signature

name: B.L. Ackley  
address: 4132 Four Ridge Rd  
K.H. Wask, NC 27949



September 2004

## NOTES

The earth is the Lord's and all its fullness  
Psalm 24:1

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

*Sorry for sending this  
late but we were out of  
town.*

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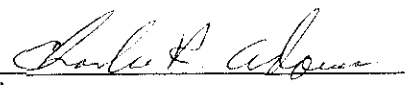
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Sincerely,

  
signature

name: CHARLES R. ADAMS

address: 186 E. CAMP PERRY RD.

HERTFORD, NC 27944